THE HON'BLE SRI JUSTICE V.ESWARAIAH

WRIT PETITION No.24555 of 2007

Between:

Gogada Ratnamma and another.

.. PETITIONERS

and

The District Collector and another.

.. RESPONDENTS

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THE HON'BLE SRI JUSTICE V.ESWARAIAH

W.P.No.24555 of 2007

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ORDER:

This writ petition has been filed seeking a Writ of Mandamus declaring the action of the 3rd respondent in pressurizing to evict the 1st petitioner from the lands admeasuring Ac.3-50 cents in Sy.No.203/4 and Ac.1-40 cents in Sy.No.231/2 and the 2nd petitioner from the land admeasuring Ac.4-85 cents in Sy.No.207/2 situated at Ravipadu Village, Vinjamur Mandal, Nellore District, without conducting any enquiry and without following due process of law as illegal and arbitrary.

It is the case of the petitioners that the 1st petitioner purchased the lands admeasuring Ac. 3-50 cents in Sy.No.203/4 and Ac.1-40 cents in Sy.No.231/2 and the 2nd petitioner purchased the land admeasuring Ac.4-85 cents in Sy.No.207/2 situated at Ravipadu Village, Vinjamur Mandal, Nellore District, through Agreements of Sale, dated 06-02-1990. From the date of purchase, they are in continuous possession and enjoyment of the same. After purchase of the said lands, they came to know that they are the assigned lands. Therefore, they made separate representations, dated 09-07-2007, to the 3rd respondent to assign the said lands in favour of the petitioners, as they are also landless poor persons.

I am of the opinion that if the said lands are assigned lands, the question of considering their representations for grant of assignment does not arise. Until and unless, the lands are resumed under Section 4 of A.P.Assigned Lands (Prohibition of Transfers) Act, 1977 (for short "the Act"), for violation of the provisions of Sub-Section (2) of Section 3 of the Act, then only, the question that arises for consideration is as to whether the said lands have to be restored in favour of the original assignees or the legal heirs or to any other landless poor persons. Therefore, the said representations filed by the petitioners are misconceived and not maintainable. But, insofar as the other contention of the petitioners that without following due process of law, the 3rd respondent is threatening to dispossess the petitioners from the lands in question is concerned, I am of the opinion that the petitioners cannot be dispossessed from the lands in question, if they are in possession, without

following due process prescribed under the Act.

Accordingly, the writ petition is disposed of directing the 3rd respondent not to dispossess the petitioners from the lands in question, if they are in possession, without following due process prescribed under the Act. There shall be no order as to costs.

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20-11-2007

Note:
Issue C.C. in two days
(B/o)
Prv